

HOUSE BILL NO. 52

INTRODUCED BY K. ZOLNIKOV

BY REQUEST OF THE DEPARTMENT OF PUBLIC SERVICE REGULATION

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING COMMON CARRIER LAWS; ELIMINATING REGULATION OF COMMON CARRIERS OF PASSENGERS, MESSAGES, AND PROPERTY; AMENDING SECTION 49-4-211, MCA; REPEALING SECTIONS 69-11-101, 69-11-102, 69-11-103, 69-11-104, 69-11-105, 69-11-106, 69-11-107, 69-11-108, 69-11-109, 69-11-121, 69-11-201, 69-11-202, 69-11-203, 69-11-204, 69-11-205, 69-11-206, 69-11-207, 69-11-208, 69-11-209, 69-11-301, 69-11-302, 69-11-303, 69-11-304, 69-11-401, 69-11-402, 69-11-403, 69-11-404, 69-11-405, 69-11-406, 69-11-407, 69-11-408, 69-11-409, 69-11-410, 69-11-411, 69-11-412, 69-11-421, 69-11-422, 69-11-423, 69-11-424, 69-11-425, 69-11-426, 69-11-427, 69-11-428, 69-11-429, 69-12-313, 69-12-601, 69-12-602, 69-12-603, 69-12-604, 69-12-605, AND 69-12-611, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 49-4-211, MCA, is amended to read:

**"49-4-211. Right to use public places and accommodations.** (1) The blind, the visually impaired, and the deaf have the same right as the able-bodied to the full and free use of the streets, highways, sidewalks, walkways, public buildings, public facilities, and other public places.

(2) The blind, the visually impaired, and the deaf are entitled to full and equal accommodations, advantages, facilities, and ~~privileges of all common carriers, as defined in 69-11-401,~~ and all public accommodations, as defined in 49-2-101, subject only to the conditions and limitations established by law and applicable alike to all persons."

NEW SECTION. **Section 2. Repealer.** The following sections of the Montana Code Annotated are repealed:

69-11-101. Definitions.

- 1 69-11-102. Restrictions on preferential treatment.
- 2 69-11-103. Time schedules to be followed.
- 3 69-11-104. Right to compensation.
- 4 69-11-105. Effect of agreements on rights and obligations of carrier and other parties.
- 5 69-11-106. Gratuitous carriers.
- 6 69-11-107. General duty of care of carriers for reward.
- 7 69-11-108. Prohibition on confiscation of fuel.
- 8 69-11-109. Provision for transportation of passengers and property for free or reduced rates.
- 9 69-11-121. Detriment caused by carrier.
- 10 69-11-201. Requirements for carriers of persons for reward.
- 11 69-11-202. Establishment and notice of schedule for passenger carriers.
- 12 69-11-203. Transport of passengers.
- 13 69-11-204. Carriage of baggage by carriers of persons.
- 14 69-11-205. Payment of fare by passengers.
- 15 69-11-206. Lien for payment of fare.
- 16 69-11-207. Authorization for free transportation.
- 17 69-11-208. Classes of persons who may receive free transportation.
- 18 69-11-209. Ejection of passengers.
- 19 69-11-301. Requirements for carriers of messages for reward.
- 20 69-11-302. Order of transmission of messages.
- 21 69-11-303. Damages for refused or delayed message.
- 22 69-11-304. Loss of valuable letters.
- 23 69-11-401. General definitions.
- 24 69-11-402. Relationship of carrier to consignor and consignee.
- 25 69-11-403. Acceptance of freight.
- 26 69-11-404. Delivery of freight.
- 27 69-11-405. Procedure to terminate carrier's liability.
- 28 69-11-406. Payment of freightage.

- 1 69-11-407. Natural increase of freight.
- 2 69-11-408. Apportionment of freightage by contract.
- 3 69-11-409. Adjustment of freightage for change in time or place of delivery.
- 4 69-11-410. Carrier's lien for freightage.
- 5 69-11-411. Sale of perishable property for freightage.
- 6 69-11-412. Division of joint rates among carriers.
- 7 69-11-421. Liability of inland carriers for loss.
- 8 69-11-422. Permissible limitations on liability.
- 9 69-11-423. Meaning of delivering carrier.
- 10 69-11-424. Examination of shipment.
- 11 69-11-425. Period in which to file claims.
- 12 69-11-426. Processing of claims for damage.
- 13 69-11-427. Liability between carriers.
- 14 69-11-428. Liability for delay.
- 15 69-11-429. Liability for valuable cargo.
- 16 69-12-313. Class C motor carrier certificate of public necessity.

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18 **NEW SECTION. Section 3. Repealer.** The following sections of the Montana Code Annotated are

19 repealed:

- 20 69-12-601. Carrier agreements.
- 21 69-12-602. Limitations on carrier agreements.
- 22 69-12-603. Investigation of operation under agreement.
- 23 69-12-604. Hearing required on matters relating to agreements.
- 24 69-12-605. Relationship of carrier agreements and antitrust laws.
- 25 69-12-611. Leasing of power equipment.

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27 **NEW SECTION. Section 4. Effective date.** [This act] is effective on passage and approval.

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